

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

JOHN ARTHUR McCARTHY,)	
)	
Petitioner,)	
)	
v.)	Case No.: 1:18-cv-01335-AKK-
)	SGC
B.H. ROMERO,)	
)	
Respondent.)	

MEMORANDUM OPINION

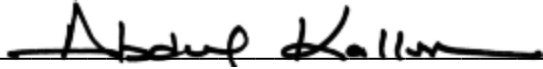
This case is before the court on Respondent’s Motion to Dismiss for Mootness, filed October 30, 2018. Doc. 14. Respondent notes that Petitioner was released from federal custody on October 26, 2018. *Id.* at 1; *see* doc. 14-1 at 2, 5. Because Petitioner has been released, Respondent contends this case is due to be dismissed as moot. *Id.* at 1-3.

On August 20, 2018, Petitioner filed this action pursuant to 28 U.S.C. § 2241, seeking prior custody credit which he claimed would entitle him to immediate release from federal custody. Doc. 1 at 3, 6, 8. Because Petitioner has been released from federal custody, his petition seeking that very relief is moot. *See Nyaga v. Ashcroft*, 323 F.3d 906, 913 (11th Cir. 2003) (“[A] case must be dismissed as moot if the court can no longer provide ‘meaningful relief.’”); *see also Spencer v. Kemna*, 523 U.S. 1, 7-8 (1998) (finding that once a habeas

petitioner is released from custody, he or she must demonstrate existing collateral consequences to avoid mootness doctrine). Accordingly, this matter is due to be dismissed. *See Khader v. Holder*, 843 F. Supp. 2d 1202, 1202 (N.D. Ala. 2011).

A separate order will be entered.

DONE and **ORDERED** this 13th day of November, 2018.



ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE